



Indiana State and Federal Surplus STATE OF INDIANA 1033 PROGRAM, POLICIES & PROCEDURES

Indiana

(State)

/

(Law Enforcement Agency)

MEMORANDUM OF AGREEMENT

PURPOSE:

The purpose of this document is to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property which is transferred pursuant to 10 U.S.C. §2576a and to promote the efficient and expeditious transfer of the property.

AUTHORITY:

The Secretary of Defense is authorized by 10 U.S.C. §2576a to transfer to Federal and State Agencies, personal property that is excess to the needs of the DOD and that the Secretary determines is suitable to be used by such agencies in law enforcement activities, with emphasis on counterdrug/counterterrorism activities, under such terms prescribed by the Secretary. The authorities granted to the Secretary of Defense have been delegated to the Defense Logistics Agency (DLA).

TERMS AND CONDITIONS:

- **Law Enforcement Agency (LEA) Eligibility Criteria:** Must be a “law enforcement activity” whose primary function is enforcement of applicable Federal, State and local laws as defined by the DLA regulation (this is referring to DLA Directive (DLAD) 4160.10 which will be superseded by the One Book) and whose compensated officers have powers of arrest and apprehension.
- **How to Enroll in the State 1033 Program:** LEA must request enrollment via their State Coordinator. LEAs must provide a completed data sheet to their State Coordinator. If the enrollment request is approved by the State Coordinator, it will be forwarded to the LESO. If approved by LESO, the State Coordinator will be contacted and provided with a LEA screener’s authorization memo (Authorization Letter for Property Screening and Receiving). Once enrolled, the LEA must sign a memorandum of agreement (MOA) with the State Coordinator agreeing to the terms and conditions of the 1033 Program. As soon as an agency is properly enrolled, materials may be screened manually at a Defense Reutilization and Marketing Office (DRMO); however, the State Coordinator must provide the LEA with their LEA identification (ID) number so they may screen and request materials using automation.

- **LEA Screener Criteria:** Must be full-time and/or part-time, sworn and/or non-sworn officers assigned to the LEA performing this duty. LEAs are allowed a maximum of four (4) screeners per agency. A maximum of two (2) of the authorized screeners may physically screen at any DRMO at one time.
- **Identification/Acquisition/Transportation of Property:** LEAs find needed property electronically through the Defense Reutilization and Marketing Service (DRMS) website: www.drms.dla.mil or by physically visiting the nearest DRMO. Once property has been identified, LEAs submit a manual or electronic DRMS Form 103 to the State Coordinator. The State Coordinator approves/disapproves the request. If approved, it is sent to the LESO. If approved it goes to Military Standard Requisitioning and Issue Procedures (MILSTRIP) or a manual DD Form 1348 is sent to the State Coordinator. It is the responsibility of the State/LEA to transport requested property from the DRMOs to their location. DLA will not fund the transportation cost. Property may not be obtained for the purpose to sell, lease, rent, exchange, barter, or secure a loan. Property obtained can only be used by the LEA.
- **Storage of Property:** Unless the State is authorized as a distribution center, it will be the gaining LEA responsibility to store property received through the 1033 Program. Distribution centers should only hold property for their specific customers not more than 90 days. After that date, disposition should be requested, in writing, from the LESO, via their State Coordinator.
- **Distribution of Property:** LESO will approve property request in the following priority: counterdrug/counterterrorism and then any other law enforcement activities.
- **Security of Property:** It is the responsibility of the gaining State/LEA to safeguard all property received through the 1033 Program. Should any property become lost due to theft, destruction or unauthorized sale/disposal, this information must be forwarded to the State Coordinator within seven (7) working days after the incident, if the property has a Demilitarization code of C,D,E,F, or G it must be reported within 24 hrs. The State Coordinator will contact the LESO for additional guidance. A LEA will be suspended or terminated from the LESO 1033 Program if they fail to comply with any terms of this MOA, any Federal statute or regulation, any assurance provided in a State Plan of Operations or application.
- **Accountability of Property:** Each LEA and the State must maintain records for all property acquired through the 1033 Program. These records must provide an “audit trail” for individual items of property from receipt to distribution. These documents include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved Bureau of Alcohol, Tobacco and Firearms (ATF) Form 10s, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1), and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and this property. Theft, illegal or misappropriation of equipment can and will lead to suspension from program.
- **Establish Inactive File:** As of October 1, 2003, the LESO will institute a five (5) year file retention policy. This policy will state that LESO will maintain active files for two (2) years and inactive files for three (3) years. After five years, the files are destroyed with the exception of DEMIL code B through Q, sensitive items and \$20,000 or more high dollar items.
- **Utilization of Property:** Property received through the 1033 Program must be placed into use within one (1) year of receipt and utilized for a minimum of one (1) year, unless the condition renders it unusable. If property is not placed in use within one (1) year of receipt, it must be transferred to another authorized agency, or

returned to a DRMO. Property returns/turn-ins must be coordinated through the applicable State Coordinator and LESO.

- **Transfer of Property:** LEAs must coordinate, in writing, transfer of 1033 property through their State Coordinator. The State Coordinator will request final approval from the LESO. Property may be transferred within the State or between States as long as it is properly coordinated with the State Coordinator and LESO. If approved a “LESO transfer approval memo” will be sent to the State Coordinator. For more information regarding these items, view the following links:

WebFLIS

<https://www.webflis.dlis.dla.mil/WEBFLIS>

DEMIL Code definition

http://www.dlis.dla.mil/demil/demil_codes.asp

- **Modifications:** The State Coordinator may propose written amendments or modifications to this Plan at any given time. LEA's will be required to sign the revised MOA in a timely manner.
- **Disposal of Property:** LEAs must request approval, in writing, from their State Coordinator before any 1033 property is disposed. The State Coordinator will request final approval from the LESO. If approved a “LESO disposal approval memo” will be sent to the State Coordinator. Only DEMIL codes A, and DEMIL Code Q with an Integrity Code of 6 may be approved for disposal. Items with DEMIL codes of C, B,D, E, F, G and all DEMIL Code Q with Integrity code of 3 must be transferred to an authorized agency or must be returned to a DRMO when no longer needed. Costs incurred for transfers, disposals or turn-ins will be borne by the State/LEA.
 - **DEMIL code A:** Does not require demilitarization and the LEA may dispose of the property after one year of possession.
 - **DEMIL code Q with Integrity code of 6:** *Will be treated like a Demil Code of A.* Does not require demilitarization and the LEA may dispose of the property after one year of possession.
 - **DEMIL codes C, B, D, E, F, G and all DEMIL Code Q with Integrity code of 3** are require demilitarization and must be returned to a DRMO. The State Coordinator must obtain the LESOs approval for equipment returns.
 - LESO will provide turn-in documentation (DD Form 1348-1A). With few exceptions, the State/LEA will be asked to coordinate the turn-in with a local DRMO. The State/LEA informs LESO which DRMO has agreed to accept the turn-in. LESO will then provide turn-in documentation to the accepting DRMO. Upon receipt of the turn-in documentation, the LEA must return the property to the specified DRMO. The DRMO personnel receiving the materials will sign the turn-in document and give the LEA a copy of the signed receipt paperwork. This receipt paperwork must be maintained in the LEA's files and a copy of the receipt must be forwarded to the State Coordinator for their files. (see DOD 4160.21-M, Defense Material Disposition Manual; DOD 4160.21-M-1, Defense Demilitarization Manual; DRMS-I 4160.14, Volume VII for DEMIL rules).

- **Training:** The State Coordinator, his/her staff and LEAs should be trained/familiar with guidance on the following websites:

DLA Operations
www.dla.mil (DLA handbook)

LESO Operations
<https://pubweb.drms.dla.mil/leeds/> (1033 Program/Automation training guides, Under LINKS tab)

DRMS Operations
www.drms.dla.mil (Automation requisitioning process/procedures)

THE STATE WILL:

- a. Receive applications for participation in this program from its law enforcement activities and validate with signature, their law enforcement mission prior to forwarding to LESO for approval as an authorized LEA. Once the approval process is completed and the agency is loaded in the DRMS automated requisitioning system, provide enrolled LEAs with their LEA ID number so they may request materials on-line.
- b. Forward requests to LESO for excess property that is necessary to meet requirements for LEA efforts. Assure the recipient LEA is identified on all requisitions.
- c. Be responsible for the transfer and/or allocation of property to qualified LEAs.
- d. Assure the LEAs agree to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- e. Control and maintain accurate records on all property obtained under this plan. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved ATF Form 10s, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and this property.
- f. Enter into agreements with LEAs to assure they fully comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/program.
- g. Allow a maximum of four (4) screeners, full-time and/or part-time, sworn and/or non-sworn officers, per LEA performing this duty. The screeners must be named in a "letter of authorization/Application for Participation" provided to the LESO, to be updated as changes occur, or whenever LESO requests an update. A weapons point of contact (POC) fulltime officer must be included on the "letter of authorization/ Application for Participation" for any LEAs that have received or are requesting weapons. NOTE: A maximum of two (2) of the authorized screeners may physically screen at any DRMO at one time.

- h. Assure that all environmentally regulated property is handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- i. Assure all weapons are registered with the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. See the Definitions section of the ATFE Form 10 for instructions, <http://www.atf.gov/forms/pdfs/f532010.pdf> The State and each LEA must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to DLA, LESO not later than twenty four (24) hours after it is discovered. The State Coordinator must provide a weapon POC on all LEA Application for Participation. All weapon transfers between LEAs must be approved by the LESO before it is completed. Maintain an approved copy of the ATF Form 10 for all weapons issued to State/LEA.
- j. Identify to LESO each request that will be used in counterdrug/counterterrorism activities.
- k. Ensure LEAs are aware of their responsibilities in accordance with the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7). Assist LEAs by providing information, as required, for audit submission. Assist LEAs by identifying which property oversight agency the audit information must be submitted to.
- l. Review and update State Plan of Operation annually (calendar year) or when the Governor-appointed State Coordinator changes or Governor Changes. If there are no changes to the State Plan of Operation send a signed letter/email to the LESO indicating that the plan has been reviewed and no changes were necessary.
- m. Ensure all LEAs enrolled in the State 1033 Program maintain a current copy of the State Plan of Operation or MOA.
- n. Conduct periodic reviews of each LEA enrolled in the program, to include physical inventory/spot checks, of property received and any related records. Additionally, ensure LEAs are in compliance with applicable Memorandum of Agreement (MOA) and/or the State Plan of Operation. These reviews must be documented and maintained by the State Coordinator for future LESO compliance reviews.
- o. Obtain reconciliation reports from the LESO website and conduct monthly reconciliations on all items received and annual reconciliations for high dollar items (items valued over \$20,000) and/or High Awareness (Demilitarization required, MLI,CCLI,FSCAP) property between the State/LEA and LESO.
- p. Ensure serial/tail numbers are provided to LESO on items such as Peacekeepers/Armored Personnel Carriers (APCs), Aircraft, Watercraft and Weapons.
- q. Validate and certify LEA inventory reconciliation results electronically and forward them to LESO within 10 working days of the monthly or annual reconciliation process. Maintain a signed copy of all property reconciliation documentation received through the 1033 Program.
- r. Submit requests for property returns (turn-ins to a DRMO) to LESO. Note: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- s. Submit disposal, transfer and inventory adjustment requests to LESO.

- t. Suspend or terminate a LEA from the LESO 1033 Program if a LEA materially fails to comply with any terms of this MOA, any Federal statute or regulation, any assurance provided in a State Plan of Operations or application. Report all LEA terminations to the DLA LESO immediately upon termination.
- u. Contact the LESO in writing not later than 30 calendar days prior, to a State Coordinator change.
- v. All property transfers will cease if no current Governor's letter is on file; the State has not signed the MOA with DLA; the State Coordinator or POC does not validate all property requests and there is no State Plan of Operation on file.

THE LAW ENFORCEMENT AGENCY WILL:

- a. Submit Applications for Participation in this program to the State Coordinator for approval every year.
- b. Submit requests for property (electronically). Provide justification for all requisitions to the State Coordinator.
- c. Agrees to maintain, at no expense to the U.S. Government, adequate liability and property damage insurance coverage and workmen's compensation insurance to cover any claims.
- d. Control and maintain accurate records on all property obtained under this plan. These records must provide an "audit trail" for individual items of property from receipt to distribution. These documents include but are not limited to the following: DRMS Form 103 with all justifications or printouts of automated requests, DD Form 1348 (receipt and turn-in), all disposal and transfer paperwork, approved ATF Form 10s, Certificate of Aircraft Registration (AC Form 8050-3), Aircraft Registration Application (AC-Form 8050-1) and any pertinent paperwork through the LESO. The records maintained must also satisfy any and all pertinent requirements under its applicable State statutes and regulations for the program and this property.
- e. Send a copy of the signed 1348 for all property including weapons within 24 hours of receipt of property.
- f. Comply with the terms, conditions and limitations applicable to property transferred pursuant to this plan/program.
- g. Allow a maximum of four (4) screeners, full-time and/or part-time, sworn and/or non-sworn officers, per LEA performing this duty. The screeners must be named in a "letter of authorization/ Application for Participation" provided to the LESO, to be updated as changes occur, or whenever LESO requests an update. A weapons POC fulltime officer must be included on the "letter of authorization/ Application for Participation" for any LEAs that have received or are requesting weapons. NOTE: A maximum of two (2) of the authorized screeners may physically screen at any DRMO at one time. Appoint a Property Accountable Officer responsible for approving/disapproving all property requests and maintaining all accountable records for property received.

- h. Assure that all environmentally regulated property handled, stored and disposed of in accordance with applicable Federal, State and local environmental laws and regulations.
- i. Assure that all weapons are registered with the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. See the Definitions section of the BATFE Form 10 for instructions, <http://www.atf.gov/forms/pdfs/f532010.pdf>. Recipients must comply with all applicable firearm laws and regulations. Report all stolen or unaccounted for weapons to LESO through the State Coordinator not later than twenty four (24) hours after the incident has occurred. The LEA must provide a weapon POC on all data sheets. All weapon transfers between LEAs must be approved by the LESO before it is completed. LEA must maintain an approved copy of the ATF Form 10 for all weapons received and send a copy to the State Coordinator.
- j. Identify to LESO each request that will be used in counterdrug/counterterrorism activities.
- k. LEAs enrolled in the State 1033 Program must maintain a copy of the State Plan of Operation or MOA and submit a new signed one if there is a change in the chief or sheriff or if there has been revisions to the MOA by the State Coordinator or LESO.
- l. LEAs must be aware of their responsibilities under the Single Audit Act of 1984, as amended (31 U.S.C. 7501-7).
- m. Conduct periodic reviews to include physical inventory/spot checks of actual property and related records. Ensure compliance with applicable MOA and/or the State Plan of Operation.
- n. Obtain reconciliation reports from the State Coordinator and conduct monthly and annual reconciliations. Provide reconciliation results to the State Coordinator.
- o. Ensure serial/tail numbers are provided to the State Coordinator on items such as Peacekeepers/ Armored Personnel Carriers (APCs), Aircraft, Watercraft and Weapons.
- p. Conduct inventory reconciliations and provide inventory reconciliation results electronically to the State Coordinator within 10 working days of the monthly or annual reconciliation process. Maintain a signed copy of all property reconciliation documentation received through the 1033 Program.
- q. Submit requests for property returns (turn-ins to a DRMO) to the State Coordinator. Note: Costs of shipping or repossession of the property by the U.S. Government will be borne by the LEA.
- r. Submit disposal, transfer and inventory adjustment requests to the State Coordinator.
- s. Contact the State Coordinator, in writing, not later than 30 days prior, when property accountable officer changes.
- t. Submit a letter in writing to the State Coordinator if they wish to terminate their participation in the LESO 1033 Program. However, they must comply with the MOA in regards to turning in or transferring property that needs to be demilitarized. (Demil items B through Q) As long as an LEA has items with Demil code B through Q, they must maintain a current Application for Participation and a signed MOA with the State Coordinator.

To ensure we have a good way to contact you in case we need to send out any notices, correspondences or other communications please fill out the requested information:

Contact Name/ Chief: _____

Agency Name: _____

Address: _____

County in which LEA is located: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

IN WITNESS THEREOF, the parties hereto have executed this agreement as of the last date written below.

State Coordinator Signature
Robert Flake
Director, State & Federal Surplus
Type/Print Name and Title

LEA Chief Executive Signature

Type/Print Name and Title

Date _____

Date _____

****Please have each screener and POC read the MOA and sign to acknowledge they have read it. ****

Screener # 1: printed name _____ signature _____

Screener # 2: printed name _____ signature _____

Screener # 3: printed name _____ signature _____

Screener # 4: printed name _____ signature _____

Weapons POC: printed name _____ signature _____

Aircraft POC: printed name _____ signature _____